



US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

PUBLIC NOTICE

In replying please refer to:
Public Notice Number 2006-00057-Y6
Issue Date: May 1, 2006
Expiration Date: May 31, 2006

To Whom It May Concern:

The New York District of the U.S. Army Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 [33 U.S.C. 403] and Section 404 of the Clean Water Act [33 U.S.C. 1344].

APPLICANT: The Port Authority of New York and New Jersey
225 Park Avenue South
New York, N.Y. 10003

ACTIVITY: Maintenance dredging of existing marine terminal berths with beneficial use of the dredged material upland at the former Fresh Kills Sanitary Landfill; and subsequent new-work deepening dredging in one of the maintenance dredged berths with beneficial ocean placement of dredged material (rock) to enhance an existing Atlantic Ocean fishing reef site off New Jersey, along with ten years of subsequent maintenance dredging with upland placement of the dredged material.

WATERWAY: The Arthur Kill of New York and New Jersey Channels within New York and New Jersey Harbor

LOCATION: The New York Container Terminal (NYCT) on the existing Howland Hook Marine Terminal, New York City, Borough of Staten Island, Richmond County, New York

A detailed description and drawings of the applicant's proposed activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, condition or deny a permit for this proposed activity. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an environmental assessment and/or a federal environmental impact statement pursuant to the National Environmental Policy Act [42 U.S.C. 4332]. Comments are also used to determine the need for a public hearing and to determine the effect of the proposed activity on the overall public interest.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

CENAN-OP-RE
PUBLIC NOTICE NO. 2006-00057-Y6

May 1, 2006

The Corps of Engineers preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act [16 U.S.C. 1531], the Corps of Engineers' is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species or their critical habitat, in the project area.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 [16 U.S.C. 1855(b)], requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit application decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed, reference file F-2005-0051.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following state governmental authorizations for the activity under consideration:

New York State Department of Environmental Conservation Protection of Waters Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8518 and ask for Ms. Rosita Rama. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

May 1, 2006

WORK DESCRIPTION

The applicant, The Port Authority of New York and New Jersey, has submitted an application for a Department of the Army permit to perform both current and future maintenance dredging and current new-work deepening dredging of the existing berths at the New York Container Terminal (NYCT) at the Howland Hook Marine Terminal in New York City, Borough of Staten Island, Richmond County, New York. The adjacent deep-draft waterway is the Arthur Kill channel of New York and New Jersey Channels.

The initial amount of approximately 9,000 cubic yards of maintenance dredged material would be removed from all the existing berths using a standard environmental clamshell mechanical bucket dredge to minimize loss of the dredged material as it is placed in water-tight hopper barges. The 3,012 linear feet of existing berths, 150 feet wide, and five feet off of the terminal's wharf wall, would be maintenance dredged to previously authorized and dredged depths of minus 35 feet or minus 41 feet, Mean Low Water Datum. As is standard practice, an additional two feet of allowable overdepth dredging would be approved beyond these depths to ensure the required safe depths are achieved. The expected 9,000 cubic yards of dredged material includes this overdepth dredging volume. The purpose of the maintenance dredging is to restore previously authorized depths in the terminal's berths so deep-draft cargo vessels can continue to safely maneuver and moor in the berths.

During the placement of the dredged material into the water-tight hopper barges, overfilling the barges to force excess water out to obtain the most economic barge load, a standard technique known as barge overflow, would not be used here in order to minimize loss of dredged material. The dredged material would be allowed to settle for a minimum of 24 hours in the water-tight hopper barge. After the settling period, the remaining overlying decant water would be pumped overboard before moving the water-tight hopper barge to the dredged material processing location. The dredged material would be processed and beneficially used in the ongoing New York State-approved closure of the former Fresh Kills Sanitary Landfill in the Borough of Staten Island. As is standard practice, portland cement and/or other State-approved additives would be mixed with the dredged material within the water-tight hopper barge to dry out and stabilize the dredged material sufficiently so it can be used as upland construction fill.

The approximately 35,000 cubic yards of new-work deepening dredged material (rock) would be removed from the northern 1,245 linear feet of the existing 3,012 linear feet of berths (150 feet wide) to create a 45-foot berth where it is currently authorized as a 41-foot berth, Mean Low Water Datum. After the environmental clamshell mechanical bucket dredge has completed all the maintenance dredging, as has been done in the past in this area, a mechanical backhoe bucket dredge would rip and excavate the exposed rock after rock-drilling to fracture the rock for removal. If the rock-drilling technique does not fracture rock, rock blasting would be used as needed. An additional two feet of allowable overdepth dredging would be approved to ensure the required safe depth in the deepened berth is achieved. The expected 35,000 cubic yards of dredged material includes this overdepth dredging volume. This dredged material would be beneficially used to enhance the existing Shark River artificial fishing reef in the Atlantic Ocean off of New Jersey. The purpose of the deepening of the north berth is to provide the necessary depth for current and expected deep-draft cargo vessels from the worldwide fleet to safely maneuver and moor at the terminal.

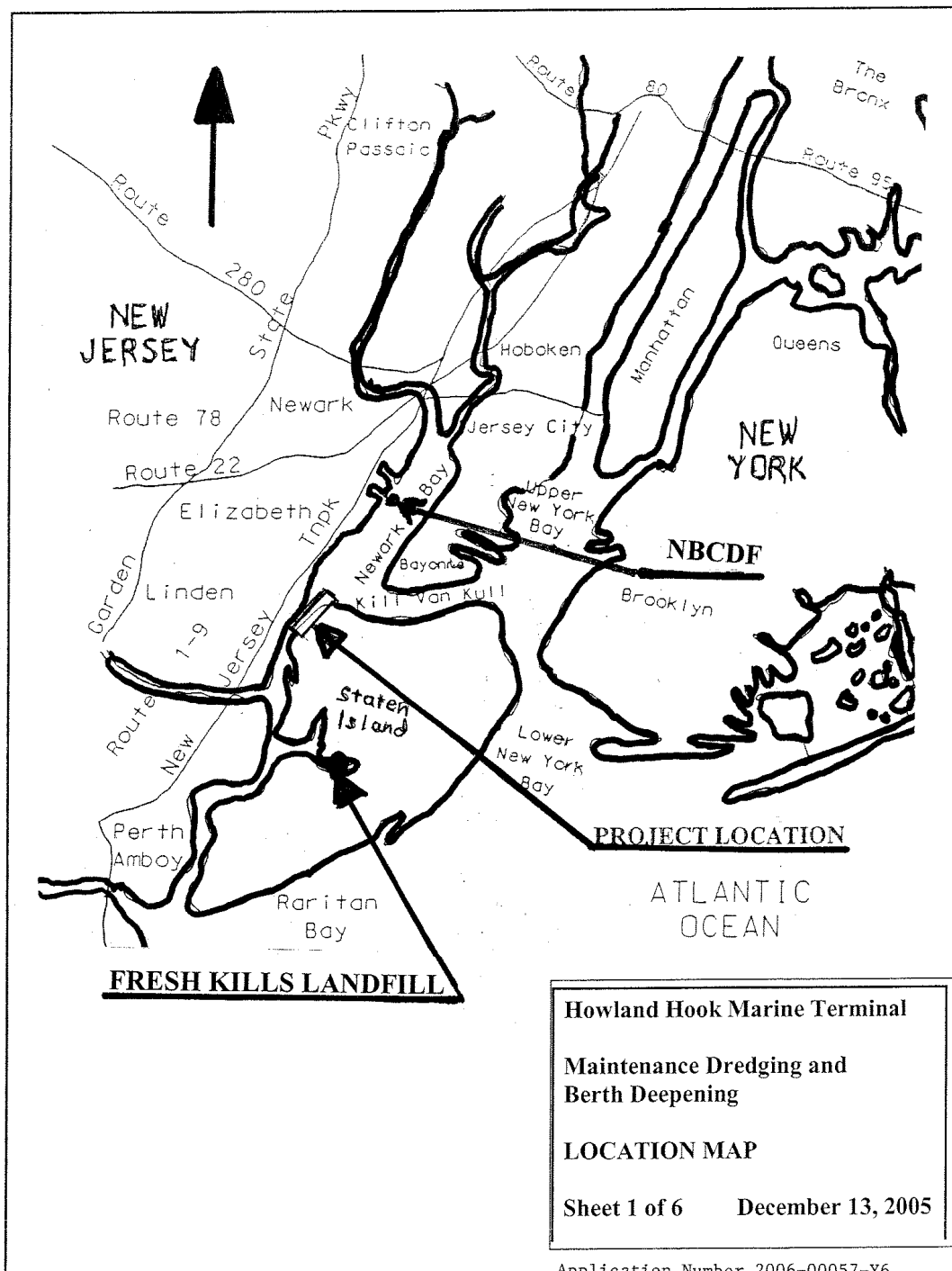
CENAN-OP-RE

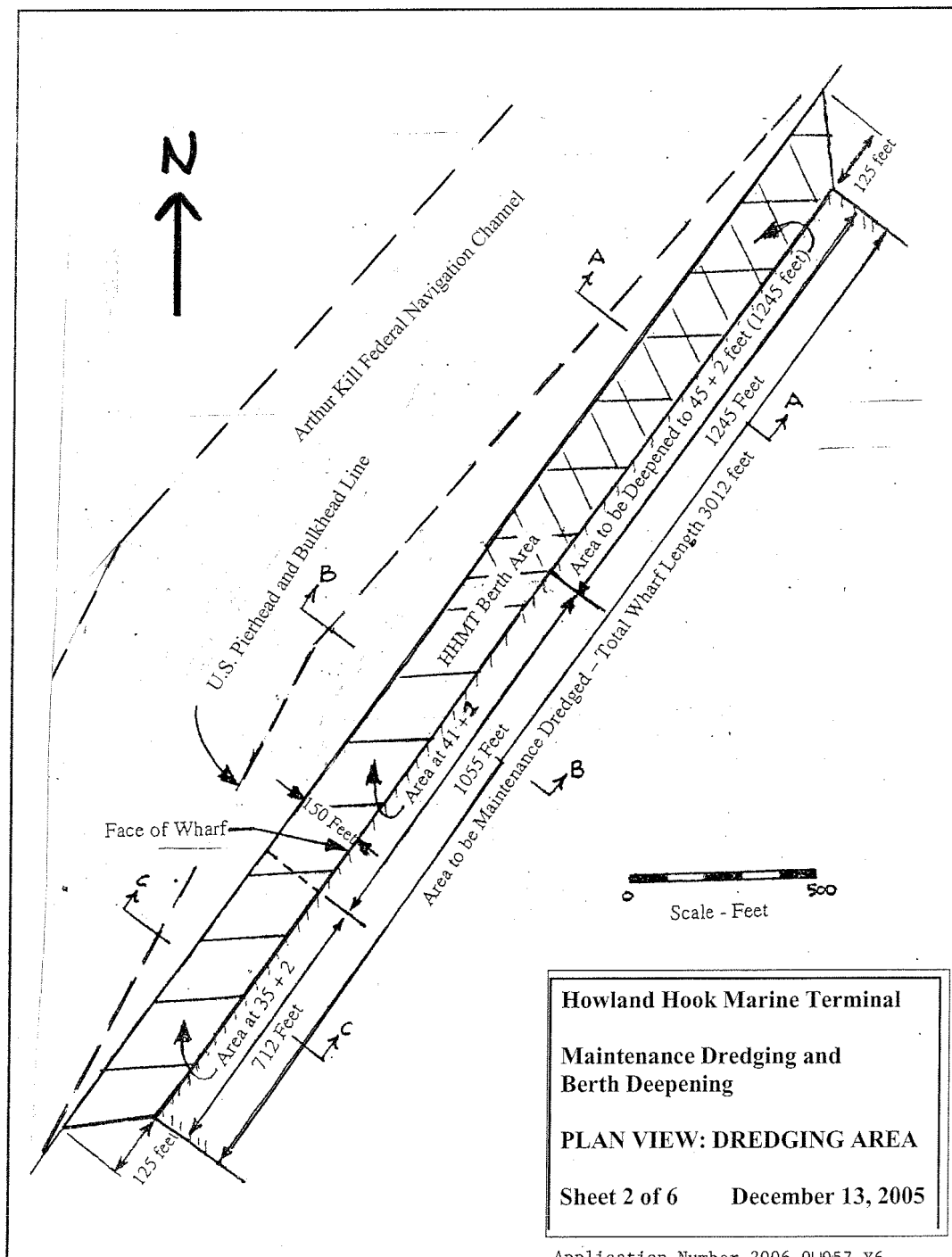
May 1, 2006

PUBLIC NOTICE NO. 2006-00057-Y6

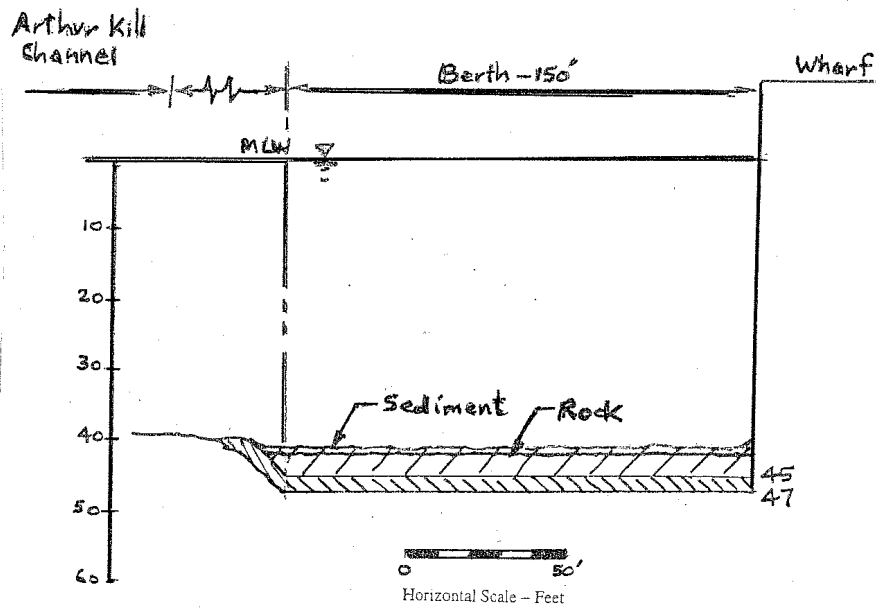
If a Department of the Army permit is issued, the Port Authority of New York and New Jersey anticipates that the work will start during June or July of 2006. Their estimate for the maintenance dredging is six workdays over a two-week period. The berth deepening work is estimated to take forty workdays over a four-month period. It should be noted that a dredge would only work when a cargo vessel is not present because the berths must remain in service during both the initial maintenance dredging of all the berths, and subsequent deepening dredging of the northern 1,245-foot berth.



The Port Authority of New York and New Jersey also requests approval for future maintenance dredging of the berths during the ten-year life of the Department of the Army permit, if issued. The future dredged material would be beneficially used at State-approved placement sites. The applicant expects maintenance dredging will be required twice in the future during the ten-year period. They estimate approximately 15,000 cubic yards of dredged material would have to be removed during each of the two future maintenance cycles to restore the berths' permitted depths.





Application Number 2006-011057-Y6



-  - Area to be dredged
-  - Allowable Overdepth

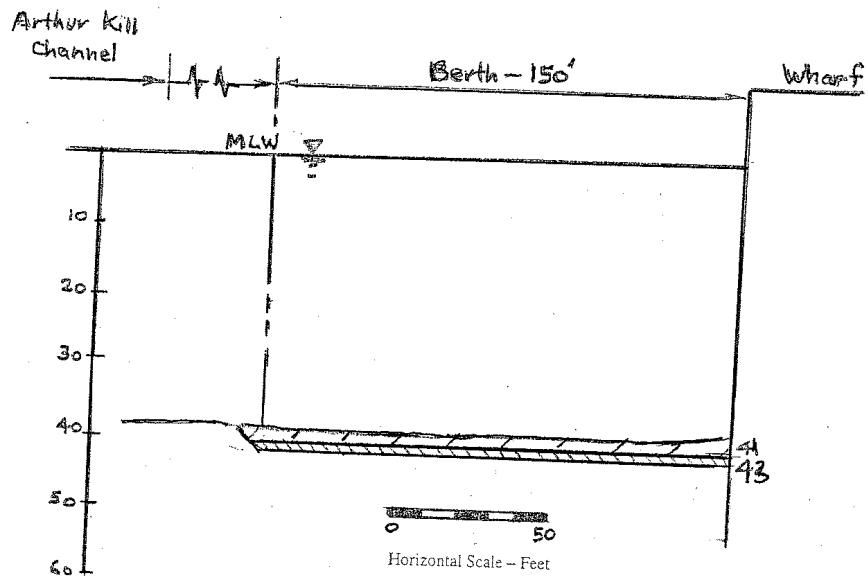
Howland Hook Marine Terminal



Maintenance Dredging and
Berth Deepening

CROSS SECTION A-A

Sheet 3 of 6 December 13, 2005

Application Number 2006-011057-Y6



-  - Area to be dredged
-  - Allowable overdepth

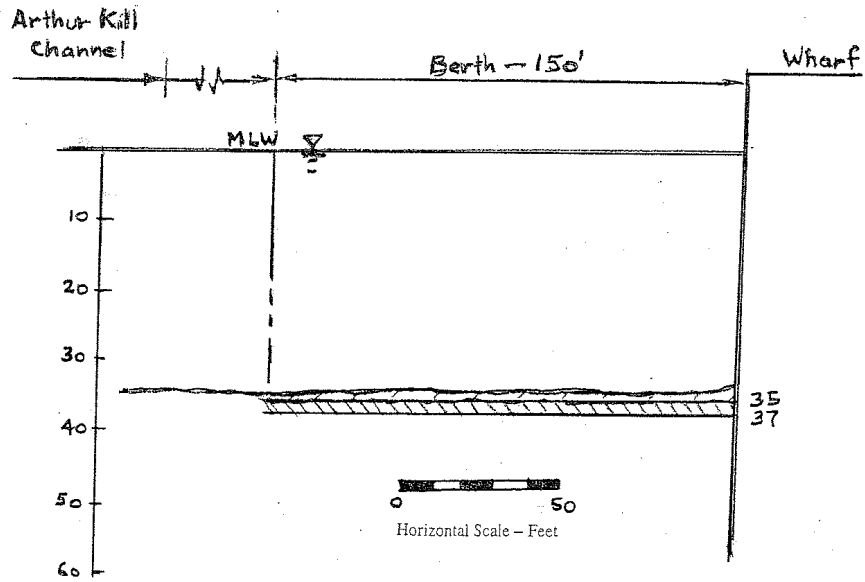
Howland Hook Marine Terminal



Maintenance Dredging and
Berth Deepening

CROSS SECTION B-B

Sheet 4 of 6 December 13, 2005

Application Number 2006-00057-Y6



-  - Area to be dredged
-  - Allowable Overdepth

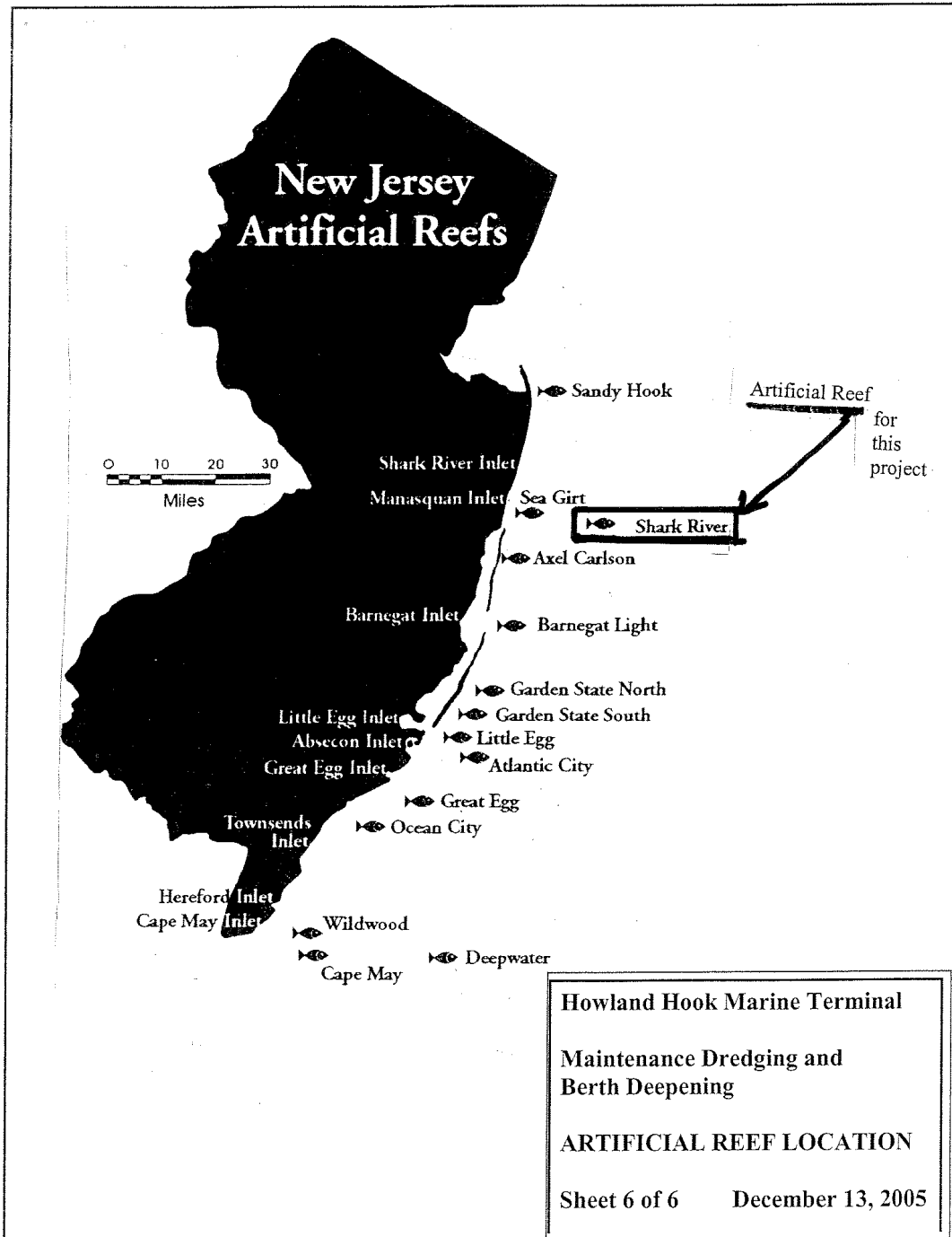
Howland Hook Marine Terminal

**Maintenance Dredging and
Berth Deepening**

CROSS SECTION C-C

Sheet 5 of 6 December 13, 2005

Application Number 2006-00057-Y6



Application Number 2006-00057-Y6